

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

CAPITOL RECORDS, INC.; VIRGIN	}	
RECORDS AMERICA, INC.; UMG	}	
RECORDINGS, INC.; SONY BMG	}	
MUSIC ENTERTAINMENT,	}	
	}	CASE NO. CV 06-B-0991-W
Plaintiffs,	}	
	}	
vs.	}	
	}	
JOEY WEBBER,	}	
	}	
Defendant.	}	

FINDINGS AND CONCLUSIONS

This case is before the court on plaintiffs’ Application for Entry of Default Judgment in favor of plaintiffs and against defendant Joey Webber. (Doc. 7).¹ Pursuant to Rule 55, Federal Rules of Civil Procedure, the court makes the following findings and conclusions:

1. Plaintiffs properly served the Summons and Complaint upon defendant Webber on June 10, 2006. To date, defendant has failed to appear, plead, or otherwise defend.

2. The Declaration of Tyrell Jordan, plaintiffs’ counsel, states, upon information and belief, that defendant is not an infant or incompetent, and he is not in the military. (Doc. 7, Ex. 2, ¶ 5.)

3. In their Complaint, plaintiffs allege that defendant infringed upon their

¹ Reference to a document number, [“Doc. ____”], refers to the number assigned to each document as it is filed in the court’s record.

copyrights to five recordings. Because defendant has failed to defend against these allegations and is in default, the court finds that he has admitted such facts and his liability for five copyright infringements is established. *See Nishimatsu Const. Co., Ltd. v. Houston Nat. Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975), *cited in Cotton v. Massachusetts Mut. Life Ins. Co.*, 402 F.3d 1267, 1278 (11th Cir. 2005).

4. Plaintiffs have elected to recover the minimum statutory damages, which is \$750.00, for each of the five copyright infringements for a total sum of \$3,750.00. A judgment in favor of plaintiffs and against defendant for the sum of \$3,750.00 will be entered contemporaneously with these Findings and Conclusions.

5. Plaintiffs have established their right to a permanent injunction. An Order enjoining defendant from further violating plaintiffs' copyrights will be entered contemporaneously with these Findings and Conclusions.

DONE this the 29th day of February, 2008.


SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE